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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA, New York, N.Y.
5 v. 21 Cr. 277 (PAE)

6 ARWA MUTHANA,
7 -----x

8 Defendant.
9 -----x
10

11 September 12, 2022
12 1:10 p.m.
13

14 Before:
15

16 HON. PAUL A. ENGELMAYER,
17 U.S. District Judge
18

19 APPEARANCES
20

21 DAMIAN WILLIAMS
22 United States Attorney for the
23 Southern District of New York
24 BY: KAYLAN E. LASKY
25 Assistant United States Attorney
26

27 THE LAW OFFICES OF ONADOWAN & DELINCE, PLLC
28 Attorneys for Defendant
29 BY: CHRISTINE DELINCE
30 -AND-
31 ADAMS & COMMISSIONG, LLP
32 BY: KARLOFF C. COMMISSIONG
33

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1 (Case called)

2 THE DEPUTY CLERK: Counselors, starting at the front
3 table, please state your appearance for the record.4 MS. LASKY: Good afternoon, your Honor. Kaylan Lasky
5 for the government.

6 THE COURT: Good afternoon, Ms. Lasky.

7 For the defense?

8 MS. DELINCE: Good afternoon, your Honor. Christine
9 Delince for Ms. Muthana.

10 THE COURT: Good afternoon, Ms. Delince.

11 MR. COMMISSIONG: And Karloff Commissiong as well.
12 Good afternoon.

13 THE COURT: Good afternoon to you.

14 And, good afternoon, Ms. Muthana.

15 THE DEFENDANT: Good afternoon.

16 THE COURT: You may all be seated.

17 Ms. Delince, it is nice to see you again.

18 MS. DELINCE: Nice to see you too, Judge.

19 THE COURT: I hope all is well with you.

20 MS. DELINCE: Yes. Thank you.

21 THE COURT: Ms. Delince, I have been informed that
22 your client, today, wishes to plead guilty to Count One of the
23 indictment in this case pursuant to a plea agreement. Is that
24 correct?

25 MS. DELINCE: Yes, it is.

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1 THE COURT: Ms. Muthana, is that correct?

2 THE DEFENDANT: Yes.

3 MS. DELINCE: I will ask you just to move the
4 microphone closer to you and kindly just keep your voice up.

5 Before I accept your guilty plea, I'm going to ask you
6 certain questions so that I can establish, to my satisfaction,
7 that you wish to plead guilty because you are guilty and not
8 for some other reason. If you don't understand any of my
9 questions or you would like a further opportunity to consult
10 with your lawyers, will you please let me know?

11 THE DEFENDANT: OK.

12 THE COURT: Are you able to speak and understand
13 English?

14 THE DEFENDANT: Yes.

15 THE COURT: Mr. Smallman, would you kindly place
16 Ms. Muthana under oath?

17 THE DEPUTY CLERK: Would you please rise and raise
18 your right hand.

19 (Defendant sworn)

20 THE COURT: Do you understand that you are now under
21 oath, and that if you answer any of my questions falsely, your
22 answers to my questions may be used against you in another
23 prosecution for perjury?

24 THE DEFENDANT: Yes.

25 THE COURT: What is your full name?

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1 THE DEFENDANT: Arwa Muthana.

2 THE COURT: How old are you?

3 THE DEFENDANT: 30.

4 THE COURT: How far did you go in school?

5 THE DEFENDANT: Bachelors in nuclear medicine.

6 THE COURT: In nuclear medicine?

7 THE DEFENDANT: Uh-huh.

8 THE COURT: Where did you obtain the bachelors from?

9 THE DEFENDANT: University of Alabama at Birmingham.

10 THE COURT: Have you ever been treated or hospitalized
11 for any mental illness?

12 THE DEFENDANT: No.

13 THE COURT: Are you now or have you recently been
14 under the care of a doctor or psychiatrist?

15 THE DEFENDANT: No.

16 THE COURT: Have you ever been hospitalized or treated
17 for addiction to any drugs or to alcohol?

18 THE DEFENDANT: No.

19 THE COURT: In the past 24 hours, have you taken any
20 drugs, medicine, or pills, or drunk any alcoholic beverages?

21 THE DEFENDANT: No.

22 THE COURT: Is your mind clear today?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand what is happening in
25 this proceeding?

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1 THE DEFENDANT: Yes.

2 THE COURT: Ms. Delince, do you have any doubt as to
3 your client's competence to plead at this time?

4 MS. DELINCE: No, I do not.

5 THE COURT: How about you, Ms. Lasky?

6 MS. LASKY: No, your Honor.

7 THE COURT: Based on Ms. Muthana's responses to my
8 questions, based on her demeanor as she appears before me,
9 based on counsel's independent assessment, and based on, I
10 might add, a long history with the case, I find that she is
11 competent to enter a plea of guilty at this time.

12 Ms. Muthana, have you had a sufficient opportunity to
13 discuss your case with your attorneys?

14 THE DEFENDANT: Yes.

15 THE COURT: Have you had a sufficient opportunity to
16 discuss the particular charge to which you intend to plead
17 guilty, any possible defenses to that charge, and the
18 consequences of entering a plea of guilty?

19 THE DEFENDANT: Yes.

20 THE COURT: Are you satisfied with your attorney's
21 representation of you including in connection with reaching a
22 plea agreement?

23 THE DEFENDANT: Yes.

24 THE COURT: I am now going to explain certain
25 constitutional rights that you have. You will be giving up

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1 these rights if you enter a plea of guilty.

2 Under the Constitution and laws of the United States,
3 you are entitled to a speedy and public trial by a jury on the
4 charges contained in the indictment.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: At that trial you would be presumed to be
8 innocent and the government would be required to prove you
9 guilty by competent evidence and beyond a reasonable doubt
10 before you could be found guilty. You would not have to prove
11 that you were innocent. And, a jury of 12 people would have to
12 agree, unanimously, that you were guilty.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: At that trial, and at every stage of your
16 case, you would be entitled to be represented by an attorney
17 and if you could not afford one, one would be appointed to
18 represent you free of charge.

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: During a trial the witnesses for the
22 government will have to come to court and testify in your
23 presence and your lawyer could cross-examine the witnesses for
24 the government, object to evidence offered by the government,
25 and if you desired, issue subpoenas, offer evidence, and compel

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1 witnesses to testify on your behalf.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: At a trial, although you would have the
5 right to testify if you chose to do so, you would also have the
6 right not to testify and no inference or suggestion of guilt
7 could be drawn from the fact that you did not testify if that
8 was what you chose to do.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: At trial, the government would have to
12 prove each and every part or element of the charge beyond a
13 reasonable doubt for you to be convicted of that charge.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you also understand that if you were
17 convicted at a trial, you would then have the right to appeal
18 that guilty verdict?

19 THE DEFENDANT: Yes.

20 THE COURT: Even at this time, right now, even as you
21 are in the process of entering this guilty plea, you have the
22 right to change your mind, plead not guilty, and go to trial.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: If you plead guilty and I accept your

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1 plea, you will give up your right to a trial and the other
2 rights that I have just described. There will be no trial and
3 I will enter a judgment of guilty and sentence you on the basis
4 of your guilty plea after considering the submissions relating
5 to the sentencing that I receive from you, your lawyer, and the
6 government, as well as a presentence report prepared by the
7 probation department.

8 Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: If you plead guilty, you will also have to
11 give up your right not to incriminate yourself because I will
12 ask you questions about what you did in order to satisfy myself
13 that you are guilty, as charged.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Ms. Muthana, have you received a copy of
17 the indictment containing the charges against you?

18 THE DEFENDANT: Yes.

19 THE COURT: Have you read it?

20 THE DEFENDANT: Yes.

21 THE COURT: Have you had an opportunity to discuss the
22 indictment with your attorneys?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that you are charged in
25 Count One with attempting to provide material support or

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1 resources to a designated foreign terrorist organization in
2 violation of Title 18, United States Code, Sections 2339(b) and
3 (2)?

4 THE DEFENDANT: Yes.

5 THE COURT: Ms. Lasky, would you kindly set out the
6 elements of that offense?

7 MS. LASKY: Yes, your Honor.

8 Under Title 18, United States Code Section 2339(b) and
9 Section 2, the government must prove the following elements
10 beyond a reasonable doubt:

11 First, the defendant knowingly attempted to provide
12 material support or resources to a designated foreign terrorist
13 organization, in this case ISIS;

14 Two, the defendant knew that the organization had been
15 designated as a foreign terrorist organization and/or that it
16 engaged in terrorist activity or terrorism; and

17 Three, at least one of the jurisdictional requirements
18 of Section 2339(b) subsection D is met. Those jurisdictional
19 requirements include but are not limited to the following:
20 Subsection (d)(1)(A), that an offender is a national of the
21 United States; and subsection (d)(1)(D), that the offense
22 occurred, in whole or in part, within the United States.

23 The government must also prove that venue is within
24 the Southern District of New York by a preponderance of the
25 evidence.

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1 THE COURT: Thank you, Ms. Lasky.

2 Ms. Delince, are you in agreement that those are in
3 fact the elements of the offense?

4 MS. DELINCE: Yes.

5 THE COURT: Ms. Muthana, did you hear and understand
6 Ms. Lasky as she set out the elements of the offense?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand that were you to go to
9 trial, the government would have to prove each of those
10 elements beyond a reasonable doubt and the government would
11 also have to prove, by a preponderance of the evidence, that
12 venue is proper in this district which includes Manhattan and
13 the Bronx?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that the maximum
16 possible penalty for this offense is 20 years in prison?

17 THE DEFENDANT: Yes.

18 THE COURT: You understand the maximum fine for this
19 offense is the greatest of \$250,000, twice the gross pecuniary
20 gain derived from the offense or twice the gross pecuniary loss
21 to a person other than you as a result of the offense?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand that for pleading guilty
24 to this crime you may receive up to a lifetime term of
25 supervised release?

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1 THE DEFENDANT: Yes.

2 THE COURT: Supervised release means that you will be
3 subject to monitoring when you are released from prison. There
4 are terms of supervised release with which a person must
5 comply. If you don't comply with them, you can be returned to
6 prison without a jury trial for all or part of the term of
7 supervised release imposed by the Court. Under those
8 circumstances, you would not be given any credit towards that
9 term for the time you had served in prison as a result of your
10 sentence for this crime, nor will you necessarily be given any
11 credit towards that term for any time you had spent on
12 post-release supervision.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: For pleading guilty to this crime you will
16 also be required to pay a mandatory \$100 special assessment.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: For pleading guilty to this crime you may
20 be required to pay restitution to any person injured as a
21 result of your criminal conduct.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: For pleading guilty to this crime you may
25 be compelled to forfeit any and all property constituting and

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1 derived from proceeds obtained by your criminal conduct.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you also understand that if I accept
5 your guilty plea and adjudge you guilty, that may deprive you
6 of valuable civil rights such as the right to vote, the right
7 to hold public office, the right to serve on a jury, and the
8 right to possess any kind of firearm?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you a United States citizen?

11 THE DEFENDANT: Yes.

12 THE COURT: Under the current law there are sentencing
13 guidelines as well as other factors set forth in the sentencing
14 statutes that Judges must consider in determining a sentence.

15 Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you spoken with your attorneys about
18 the sentencing guidelines and those other factors?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand that the Court will not
21 be able to determine the guideline range that will form one
22 part of my determination of what a reasonable sentence will be
23 in your case until after a presentence report has been prepared
24 and until after you and your attorneys and the government all
25 have had an opportunity to challenge any of the facts reported

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1 there by the probation department?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand that even though the
4 parties have agreed in the plea agreement that the sentencing
5 guidelines call for a sentence of 240 months' imprisonment --
6 indeed, the parties agree that the guidelines would call for a
7 higher sentence than that but for the statutory maximum of 240
8 months' imprisonment -- do you understand that the parties'
9 assessment of what the sentencing guidelines call for is not
10 binding on the probation department and it is not binding on
11 the Court?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that even after the
14 Court has determined what guideline range applies to your case,
15 the Court has the discretion, under the current law, to impose
16 a sentence that is higher or lower than the one recommended by
17 the guidelines, save, of course, that the Court cannot impose a
18 sentence above the statutory maximum of 240 months in prison?

19 Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that if your attorneys
22 or anyone else has attempted to predict what your sentence will
23 be, their prediction could be wrong? No one, not your
24 attorneys, not the government's attorney -- no one -- can give
25 you any assurance of what your sentence will be because I'm

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1 going to decide your sentence and I'm not going to do that now
2 and I really can't do that now. Instead, I'm going to wait
3 until I receive the presentence report prepared by the
4 probation department, I'm going to wait until I receive what I
5 know will be thoughtful sentencing submissions from the
6 government and the defense, I'm going to read all of those very
7 carefully, I'm going to make my own independent calculation of
8 what the sentencing guidelines recommend. Most of all, I'm
9 going to determine what a just and fair sentence is for you
10 based on all of the factors contained in our sentencing statute
11 which is known as Section 3553(a).

12 Do you understand all of that?

13 THE DEFENDANT: Yes.

14 THE COURT: Have you discussed these issues and the
15 overall sentencing process with your lawyers?

16 THE DEFENDANT: Yes.

17 THE COURT: Even if your sentence is different from
18 what your lawyers or anyone else has told you it might be, even
19 if it is different from what you expect, even if it is
20 different from the guideline range or guideline recommendation
21 that's calculated in the plea agreement, you would still be
22 bound by your guilty plea and you would not be allowed to
23 withdraw your plea of guilty.

24 Do you understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: Has anyone threatened you or anyone else,
2 or forced you in any way to plead guilty?

3 THE DEFENDANT: No.

4 THE COURT: Has there been a plea agreement entered
5 into between the government and the defense?

6 MS. DELINCE: Yes, there has been.

7 THE COURT: Ms. Muthana, is that correct?

8 THE DEFENDANT: Yes.

9 THE COURT: Counsel have handed up a plea agreement
10 which bears the typed date of August 19th, 2022. On the final
11 page, Ms. Lasky, I see here indications of the electronic
12 signatures of I guess it is you, Mr. Richmond, and Mr. Wirshba,
13 and George Turner, the Chief of the National Security and
14 International Narcotics Unit. Are all those slash signs meant
15 to indicate the electronic signatures of those people?

16 MS. LASKY: Yes, your Honor. I didn't realize
17 Mr. Wirshba is on there, that should have been Mr. DeFilippis.
18 But, in any event, yes, your Honor.

19 THE COURT: The important line is one of the line
20 AUSAs, in particular you, the slash sign means you have signed
21 this?

22 MS. LASKY: Correct, your Honor.

23 THE COURT: And Mr. Turner as well?

24 MS. LASKY: Correct, your Honor.

25 THE COURT: And, Ms. Delince, I see your signature

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1 dated August 30th; is that your signature?

2 MS. DELINCE: Yes, Judge.

3 THE COURT: Ms. Muthana, I see here your signature
4 dated August 30th; is that your signature?

5 THE DEFENDANT: Yes.

6 THE COURT: Did you read this agreement before you
7 signed it?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you discuss it with your attorneys
10 before you signed it?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you believe that you understood the
13 agreement at the time that you signed it?

14 THE DEFENDANT: Yes.

15 THE COURT: Did you willingly sign this agreement?

16 THE DEFENDANT: Yes.

17 THE COURT: Did anyone force you to sign it?

18 THE DEFENDANT: No.

19 THE COURT: Do you have any agreement with the
20 government about your plea or about your sentence that's been
21 left out, that's been omitted from this written agreement?

22 THE DEFENDANT: No.

23 THE COURT: Ms. Lasky, would you kindly summarize the
24 material terms, the important terms of the agreement?

25 MS. LASKY: Yes, your Honor.

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1 The Court has already spoken as to the maximum and
2 minimum terms of imprisonment and supervised release terms. I
3 won't go back over those. In addition, the plea agreement does
4 state that the defendant will not be further prosecuted
5 criminally by this office, meaning the United States Attorney's
6 office for the Southern District of New York, for attempting to
7 provide material support or resources to a designated foreign
8 terrorist organization, that being ISIS, from in or about May
9 2020, up to and including March 2021, as charged in Count One,
10 and at the time of sentencing the government will move to
11 dismiss any open counts against the defendant.

12 There is a provision that states that the defendant
13 admits the forfeiture allegation. Additionally, it sets forth
14 the guidelines, that being an offense level of 37, Criminal
15 History Category VI, which, when taking into account the
16 statutory requirements, results in a guidelines sentence of 240
17 months' imprisonment, your Honor, and an applicable fine range
18 of \$40,000 to \$400,000.

19 The parties additionally agree that neither a downward
20 nor an upward departure from this guideline sentence is
21 warranted, although it is true that either party may seek a
22 sentence different than the stipulated guideline sentence based
23 on, for example, the factors set forth in Section 3553(a).
24 Nothing in this agreement limit the rights of the parties to
25 set forth any facts under Section 3553(a). Neither the

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1 probation office or the Court is bound by the guidelines
2 stipulation, as your Honor stated.

3 It is understood that the sentence to be imposed is to
4 be determined solely by Court, as your Honor stated.

5 Additionally, the defendant agrees not to violate,
6 direct appeal, nor bring a collateral challenge of any sentence
7 at or below the stipulated guidelines sentence of 240 months'
8 imprisonment and the government will not appeal a sentence at
9 the stipulated guideline sentence.

10 The defendant further agrees not to appeal or bring a
11 collateral challenge of any term of supervised release, that
12 is, less than or equal to the statutory maximum. The defendant
13 also agrees not to appeal or bring a collateral challenge of
14 any fine that is less than or equal to \$400,000 and the
15 government agrees not to appeal a fine that is greater than or
16 equal to \$40,000.

17 And those I would say, your Honor, are the most
18 important terms of the agreement.

19 THE COURT: Thank you, Ms. Lasky.

20 Ms. Delince, are you in agreement with Ms. Lasky's
21 summary of the terms that she covered?

22 MS. DELINCE: Yes.

23 THE COURT: And, Ms. Muthana, did you hear and
24 understand Ms. Lasky as she summarized some of the terms of the
25 plea agreement?

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1 THE DEFENDANT: Yes.

2 THE COURT: I am just going to highlight one for you
3 now. Do you understand that, under the agreement, you are
4 giving up your right to appeal or otherwise challenge your
5 sentence so long as I don't sentence you to more than 240
6 months' imprisonment?

7 THE DEFENDANT: Yes.

8 THE COURT: Has anybody made any promise or done
9 anything other than what is contained in the plea agreement to
10 induce you to plead guilty?

11 THE DEFENDANT: No.

12 THE COURT: Has anyone made a promise to you as to
13 what your sentence will be?

14 THE DEFENDANT: No.

15 THE COURT: Do you still wish to plead guilty pursuant
16 to this agreement?

17 THE DEFENDANT: Yes.

18 THE COURT: I am now up to the point where I am going
19 to ask you in a moment to tell me, in your own words, what it
20 is that you did that makes you believe you are guilty of the
21 charge in the indictment. Before I do, though, let me ask
22 Ms. Delince whether your client will be reading aloud from a
23 written statement?

24 MS. DELINCE: She will be reading aloud from a written
25 statement, Judge.

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1 THE COURT: Very well. That's completely fine. I
2 just need to make sure, Ms. Muthana, that before you do that,
3 that what you are about to read from is something you have
4 already carefully reviewed and you are confident, because you
5 are the one here who knows the facts, you are confident that
6 everything you are about to read to me is accurate.

7 Is that so?

8 THE DEFENDANT: Yes.

9 THE COURT: Go ahead, nice and slowly, so the court
10 reporter can get down everything you have to say?

11 THE DEFENDANT: From May 2020 through March 2021, in
12 Manhattan and elsewhere, I attempted to provide services to
13 ISIS which I knew to be a designated foreign terrorist
14 organization. I attempted to provide my personal services to
15 ISIS by attempting to board a boat headed to the Middle East so
16 that I could join ISIS and volunteer my services and fight.

17 THE COURT: Thank you.

18 Where in New York City, where did that take place?

19 THE DEFENDANT: In Manhattan.

20 THE COURT: When you did these acts, did you know that
21 what you were doing was wrong?

22 THE DEFENDANT: Yes.

23 THE COURT: Did you know that you were committing a
24 crime?

25 THE DEFENDANT: Yes.

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1 THE COURT: Ms. Lasky, do you agree that there is a
2 sufficient factual predicate for a guilty plea?

3 MS. LASKY: Yes, your Honor.

4 THE COURT: Ms. Delince?

5 MS. DELINCE: Yes.

6 THE COURT: Ms. Delince, do you know of any valid
7 defense that would prevail at trial, or any reason why your
8 client should not be permitted to plead guilty?

9 MS. DELINCE: No, Judge.

10 THE COURT: Ms. Muthana, are you pleading guilty today
11 voluntarily and of your own free will and because you are, in
12 fact, guilty?

13 THE DEFENDANT: Yes.

14 THE COURT: Ms. Lasky, can the government counsel
15 represent that had the case gone to trial, it had sufficient
16 evidence of each element to establish a conviction?

17 MS. LASKY: Yes, your Honor.

18 THE COURT: Ms. Muthana, because you acknowledge that
19 you are in fact guilty as charged in the indictment, because I
20 am satisfied that you know of your rights including your right
21 to go to trial, because I'm satisfied that you are aware of the
22 consequences of your guilty plea including the sentence that
23 may be imposed, and because I find that you are voluntarily
24 pleading guilty, I accept your guilty plea and enter a judgment
25 of guilty on the one count to which you pled guilty.

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1 Now, the next step in your case is going to involve
2 the sentencing process and I am going to ask you to pay close
3 attention to what I am about to say. The probation department
4 is going to want to interview you in connection with the
5 presentence report that it prepares. If you choose to speak
6 with the probation department, please, make sure anything you
7 say to them is truthful and accurate. I read those reports
8 very carefully along with the parties' sentencing submissions.
9 They are very important to my assessment of what a just and a
10 reasonable sentence is in the particular case. You and your
11 counsel have a right to examine the report and to comment on it
12 at the time of sentencing. I urge you to do so, to discuss it
13 and read it with your attorneys, before sentencing. If there
14 are any mistakes in the report, please, point them out to your
15 lawyers so that they can bring them to my attention before
16 sentencing.

17 Will you agree to do that?

18 THE DEFENDANT: I agree.

19 THE COURT: Ms. Delince, is this a case in which you
20 are seeking an expedited sentence?

21 MS. DELINCE: No, Judge.

22 THE COURT: So, for sentencing, how about February the
23 1st, at 10:30.

24 MS. DELINCE: Judge, can we actually have February
25 6th?

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1 THE COURT: Let me check. I note that Mr. Bradley is
2 set for February 2nd.

3 MS. DELINCE: Right, he is on the 2nd. By Friday?

4 THE COURT: The question is, and I realize that there
5 may be different views among different pairs of defendants, is
6 there a view as to whether you want the sentence here to be
7 before or after Mr. Bradley's?

8 MS. DELINCE: After Mr. Bradley's.

9 THE COURT: Admittedly, I didn't ask him, but sobeit.
10 Let me check. Ms. Delince, I have a civil trial scheduled for
11 the week of February 6 but how about February 3rd? That ends
12 up being a day after Mr. Bradley.

13 MS. DELINCE: The 3rd is fine, Judge.

14 THE COURT: All right. 2:00 p.m. on February 3rd.

15 MS. DELINCE: Yes, that's fine.

16 THE COURT: Ms. Lasky, does that work for you as well?

17 MS. LASKY: Yes, your Honor.

18 THE COURT: I will put sentencing down for February
19 3rd at 2:00 p.m.

20 Ms. Delince, you must arrange for your client to be
21 interviewed by the probation department within the next two
22 weeks. Government, you must provide your case summary to the
23 probation department within the next two weeks. Defense
24 submissions, in connection with sentencing, are due two weeks
25 before sentencing. The government's submission is due one week

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1 before.

2 Anything further from the government?

3 MS. LASKY: No. Thank you, your Honor.

4 THE COURT: Anything further from the defense?

5 MS. DELINCE: Nothing. Thank you, Judge.

6 THE COURT: Government, I will say this to you and I
7 will ask you just to make this known to counsel for Defendant
8 Bradley, but now that both defendants have pled guilty, I know
9 that one of the things I have always tried to keep an eye on at
10 sentencing is relative culpability. I have no visibility in
11 this case as to how that factor plays out. I am mindful that
12 the defendants will be sentenced in fairly short order. It
13 would be important to me that all sentencing submissions engage
14 with that issue so that I have the guidance of all concerned
15 about that issue.

16 MS. LASKY: Yes, your Honor.

17 THE COURT: So, putting that out there is something of
18 interest so that it can be thoughtfully addressed.

19 With that, we stand adjourned. Thank you. And I will
20 now officially cancel the trial now that both defendants and
21 all conferences between now and sentencing, now that both
22 defendants have pled guilty.

23 Thank you. We stand adjourned.

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